

Notice of Agency Rule-making Proposal

AGENCY: Agriculture, Food & Rural Resources, Board of Pesticides Control

RULE TITLE OR SUBJECT: Board of Pesticides Control Rules:

Amendment to Chapter 10 – Definitions and Terms

Amendment to Chapter 20 – Special Provisions

Amendment to Chapter 21 – Pesticide Container Disposal and Storage

Amendment to Chapter 27 – Standards for Pesticide Applications and Public Notification in Schools

Amendment to Chapter 28 – Notification Provisions for Outdoor Pesticide Applications

Amendment to Chapter 31 – Certification and Licensing Provisions/Commercial Applicators

Amendment to Chapter 40 – Maine Restricted and Limited Use Pesticides

Amendment to Chapter 41 – Special Restrictions on Pesticide Use

PROPOSED RULE NUMBER: (LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY: The Board is proposing to make a series of changes to these eight chapters as follows: (1) to amend Chapter 10 to clarify that persons treating standing utility poles are not exempt from commercial licensing, (2) to amend Chapter 20 to add a provisions that explicitly prohibit unauthorized application of pesticides to the property of another; (3) to amend Chapter 21 to correct an outdated phone number, (4) to amend Chapter 27 to relax the notification and IPM requirements for treating mosquitoes when arbovirus positive animals have been detected in the area, (5) to amend Chapter 28 to allow persons requesting notice to also request a copy of a label or an MSDS and add a provision for waiving the fee to be on the Pesticide Notification Registry, (6) to amend Chapter 31 to combine a few subcategories, (7) to amend Chapter 40 to move trichlorfon from the limited use list to the restricted use list, and (8) to amend Chapter 41 to delete the section on trichlorfon.

THIS RULE WILL__ WILL NOT_XX_HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 5 M.R.S.A., § 8051 et seq., 7 M.R.S.A., §§ 601-625 and 22 M.R.S.A., §§ 1471-A-X.

PUBLIC HEARING: Friday, November 17, 2006, at 9:30 A.M. in the Colby/Thomas Room at the Hampton Inn, 425 Kennedy Memorial Drive in Waterville

DEADLINE FOR COMMENTS: 4:00 P.M. on Friday, December 1, 2006

AGENCY CONTACT PERSON: Henry S. Jennings.

AGENCY NAME: Board of Pesticides Control

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URL: <http://www.state.me.us/agriculture/pesticides/laws/rulemaking.htm>

NOTES: The proposed rules may be viewed at the Board's website at <http://www.state.me.us/agriculture/pesticides/laws/rulemaking.htm> or copies may be requested from the contact person listed above.

Procedures describing how the public hearing will be conducted are listed on the reverse side of this notice.

PUBLIC HEARING PROCEDURES

1. Persons wishing to present information to the Board must register in person at the table by the door. Each of the eight rules to be discussed will have three sign-up sheets, one for proponents, one for opponents and one for persons wishing to speak “neither for nor against.” The eight rules will be taken up one at a time, in numerical order.
2. After brief opening comments by the Board’s Chair and/or staff director, persons will be called to speak in the order that they signed up on their respective sheet. One proponent will lead off, followed by one opponent and then by one neither for nor against. Speakers will then rotate following the same order for the rest of the hearing.
3. Each speaker will have five minutes to address each proposal. If Board members have questions for the speaker, their time will not count against that speaker’s five minutes. No person will be allowed to speak a second time until after everyone wishing to testify has had that opportunity.
4. Persons not present when called to speak will have their names moved to the end of their respective list. Persons may not relinquish their time to individuals of their choice.
5. Persons who are unable to attend, do not get a chance to speak, are uncomfortable speaking in public and others who think of additional information they would like to provide to the Board may submit written comments on or before December 1, 2006, to Henry Jennings, Acting Director, Maine Board of Pesticides Control, 28 State House Station, Augusta, Maine 04333-0028, or e-mail them to henry.jennings@maine.gov.

The Board thanks everyone who participates in this rule-making proceeding and wants everyone to know that the members will start reviewing the hearing record at their next meeting on December 15, 2006.